

CHANGE

**DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION**

2150.3A CHG 15

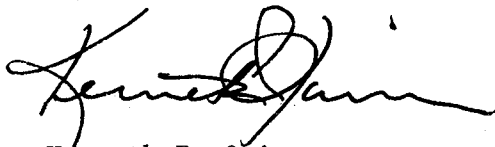
9/1/92

SUBJ: COMPLIANCE AND ENFORCEMENT PROGRAM

1. PURPOSE. This change amends Chapter 5, paragraph 501 by deleting 501f.
2. EXPLANATION OF CHANGES. Paragraph 501f requires determination of the identity of a military pilot who violates the Federal Aviation Regulations when an investigation reveals that the pilot is a holder of an FAA certificate and there is reason to question the qualification of the alleged violator. The paragraph has been misinterpreted in the past as requiring identification of military pilots in all circumstances. Deletion of this section has no significant effect on enforcement of regulations because if the military pilot holds an FAA certificate and the investigation reveals a reason to question the qualifications of the alleged violator, paragraph 501e requires a full investigation to be conducted in accordance with Chapter 4 and 9 of this order. Identifying an alleged violator is an integral part of conducting a full investigation under Chapter 4.
3. DISPOSITION OF TRANSMITTAL. After filing the attached pages, the transmittal should be retained.

PAGE CONTROL CHART

Remove Pages	Dated	Insert Pages	Dated
70 and 71	12/14/88	70 and 71	9/1/92


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Chief Counsel

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CHAPTER 5. SPECIAL INVESTIGATIVE PROCEDURES.

500. PURPOSE. While the guidance provided in Chapters 4 and 9 generally apply to the investigating and reporting of all violations, certain enforcement cases may require special handling. This chapter provides guidance for handling some special cases.

501. VIOLATIONS BY MEMBERS OF THE U.S. ARMED FORCES.

a. In accordance with section 1002(a) of the FA Act, when a member of the Armed Forces, while in the performance of official duties, is involved in a violation of the FAR, the FAA compiles all information in its possession and forwards it as a complaint to the Secretary of the Department concerned. The military authorities are required to conduct an independent investigation and advise the Administrator or his designee of the action taken.

b. Except as provided in subparagraph e., below, the inspector need not conduct the full investigation needed to satisfy an FAA enforcement action. However, the investigation must be sufficiently complete to enable the Assistant Chief Counsel to determine that there is adequate information to support referral of the complaint to the military. In such cases, the inspector shall --

(1) Gather all evidence and other information known to the FAA (e.g., controller statements, tapes, transcripts);

(2) Obtain statements or other evidence from sources outside of the FAA only to the extent necessary to validate the complaint;

(3) Prepare a factual statement of the complaint, including all information available to identify the incident and all facts and circumstances known to the FAA; and

(4) For statistical purposes, prepare an FAA Form 2150-5 from available information.

c. The field office forwards a transmittal letter along with the Form 2150-5, the inspector's statement, and all evidence, to the regional office for processing as soon as practicable following the incident.

d. The Assistant Chief Counsel refers the matter to the appropriate military department pursuant to Section 1002 of the FA Act (see paragraph 1003a).

e. Violations by members of the U.S. Armed Forces should be fully investigated and reported in accordance with instructions in Chapters 4 and 9 when --

(1) The alleged violator was not acting in the performance of official military duties; or

(2) The alleged violator, whether or not acting in the performance of official military duties, holds an FAA certificate and there is reason to question the qualifications of the alleged violator.

502. VIOLATIONS OF FOREIGN AVIATION REGULATIONS.

a. General.

(1) Violations of foreign aviation regulations by FAA certificate holders, U.S. citizens, or U.S. companies, may come to the attention of the FAA in the form of a complaint addressed to a U.S. Foreign Service Post, or by other means, such as in letters or telegrams from foreign aviation authorities addressed to FAA headquarters, regional or field offices. Such communications should be referred to the regional offices having geographical responsibility for the country filing the complaint.

(2) In all cases, the region having geographical responsibility for the country filing a complaint should investigate, report, and process the violation.

b. Investigation.

(1) Regardless of the manner in which the FAA learns of a violation of foreign regulations by FAA certificate holders, U.S. citizens or U.S. companies, the region having jurisdiction for the country filing the complaint is responsible for the investigation and ultimately reporting back to the foreign aviation authority that originated the complaint through, if

